

McWhorter, Scott

From: Rodriguez, Roberto
Sent: Thursday, January 07, 2016 7:48 AM
To: TenBrook, Patti; Grisier, Mary
Cc: McWhorter, Scott
Subject: FW: Language on glyphosate labels
Attachments: SOH. Department of Transportation Maui WN final, 09-03-15.pdf; SOH, Department of Transportation, Kauai WN final, 11-19-15.pdf; SOH, DOT, Highways WN final, 08-05-08.pdf

Patti and Mary,

What do you think about setting up a call w/Tom to follow up on this issue? Particularly, I would recommend to Tom that the higher ups at HDA and DOT have a meeting to discuss this issue and how to resolve it. I don't know if this has already taken place. Obviously, since this is a far-ranging and complex issue I think a larger discussion needs to happen among the state agencies. Anyway, if we think this is a good idea, perhaps we can help facilitate such a meeting to help address the public's concerns. Thanks.

Roberto Rodriguez, Manager
SDWA/FIFRA Enforcement Office
Enforcement Division, EPA Region 9
75 Hawthorne Street (ENF-3-3)
San Francisco, CA 94105
415-972-3302

From: Matsuda, Thomas K [mailto:Thomas.K.Matsuda@hawaii.gov]
Sent: Wednesday, January 06, 2016 4:45 PM
To: Rodriguez, Roberto
Cc: Grisier, Mary ; TenBrook, Patti ; McWhorter, Scott ; avis.s.onaga@hawaii.gov; Matsumura, Victoria J ; Shimabukuro-Geiser, Phyllis ; Reimer, Neil J
Subject: RE: Language on glyphosate labels

Hi Roberto,

Attached are some Warning Notices issued to DOT. To date we have not received any response from them in regards to these Warning Notices.

We have responded to recent complaints made against DOT applicators and those cases are still open. We will enforce the pesticide label and take appropriate enforcement action. We also conduct compliance verification follow up inspections to previously issued Warning Notices as well as neutral scheme inspections with DOT and other State and County departments.

Thanks for your support.

Best,

Tom

From: Rodriguez, Roberto [<mailto:Rodriguez.Roberto@epa.gov>]
Sent: Wednesday, January 06, 2016 12:48 PM
To: Matsuda, Thomas K <Thomas.K.Matsuda@hawaii.gov>
Cc: Grisier, Mary <Grisier.Mary@epa.gov>; TenBrook, Patti <TenBrook.Patti@epa.gov>; McWhorter, Scott <mcwhorter.scott@epa.gov>
Subject: RE: Language on glyphosate labels

Hi Tom,

Thanks for your message. I didn't reply to all the folks you included below. Please feel free to forward my message to others as you see fit.

During our 12/14/15 call w/Mary and Scott I believe you said that HDA also issued warning letters to DOT in November or December? If so, can you please share copies w/us? Also, if warning letters were issued, has DOT responded and if so how? As you know, we are continuing to receive calls from concerned citizens related to this issue and we appreciate the follow up and outreach HDA has done in respect to DOT's activities. Is HDA prepared to enforce the label and take appropriate enforcement action, if none has been taken thus far? Since the State of Hawaii has primary authority over this issue we are looking to the state to take appropriate action where needed and appropriate. Although I understand the state has discussed BMPs w/DOT this may not be sufficient to address the public's concern.

In responding to the calls from concerned citizens on this issue we would like to be able to definitively say that the state has issued warning letters and has conducted inspections where violations or no violations were found.

We would be happy to continue to work w/you on this issue and help develop an inspection and enforcement response plan, if needed. Scott is currently out on leave and you can feel free to contact me directly. Thanks.

Roberto Rodriguez, Manager
SDWA/FIFRA Enforcement Office
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San Francisco, CA 94105
415-972-3302

From: Matsuda, Thomas K [<mailto:Thomas.K.Matsuda@hawaii.gov>]
Sent: Wednesday, January 06, 2016 1:10 PM
To: Rodriguez, Roberto <Rodriguez.Roberto@epa.gov>; Grisier, Mary <Grisier.Mary@epa.gov>
Cc: Grisier, Mary <Grisier.Mary@epa.gov>; McWhorter, Scott <mcwhorter.scott@epa.gov>; TenBrook, Patti <TenBrook.Patti@epa.gov>; Shimabukuro-Geiser, Phyllis <Phyllis.Shimabukuro-Geiser@hawaii.gov>; Reimer, Neil J <Neil.J.Reimer@hawaii.gov>; avis.s.onaga@hawaii.gov; Matsumura, Victoria J <Victoria.J.Matsumura@hawaii.gov>; Gerken, Christopher M <Christopher.M.Gerken@hawaii.gov>; Kam, Ann M <Ann.M.Kam@hawaii.gov>; Chin, Lester C <Lester.C.Chin@hawaii.gov>; Ogata, Steven S <Steven.S.Ogata@hawaii.gov>; Lai, Po-Yung <plai@honolulu.gov>
Subject: RE: Language on glyphosate labels

Hi Roberto,

Yes, this video is in relation to the DOT issues we are experiencing on the Big Island. When we first saw this video I believe back in Nov 2015. I got in contact with the Big Island County roadside supervisor about our concerns and for them to review their spray application protocols when using Roundup on roadways, near schools, residences, malls etc.

Enforcing the label language of preventing people and pets from entering treated areas is a concern voiced by many individuals in the community and our department.

We discussed some BMPs that would help alleviate the perception that the general public were formulating if this type of action is what the public is viewing. BMPs like:

- placing flyers in residential mail boxes prior to spray applications taking place. On Oahu, residents are responsible for areas outside of their property unlike the Big Island.
- posting on a website information of pending spray applications in various locations
- use of manual labor/weed whacking in areas close to schools, hospitals, clinics, nursing homes and malls
- applying Roundup when schools are not in session.
- having supervisors survey areas to be sprayed beforehand and determine which BMP will be utilized when encountering sensitive areas.
- posting signs that say spray application are taking place from one locale and for the next 5 miles or so.
- conducting training to applicators on use of surfactants, larger droplet size, awareness of wind conditions and inversion factors
- carrying anemometer in spray vehicles
- follow label directions (proper ppe, mixing rates, and not to exceed per acre per year rates, recordkeeping)

I have also met with our State DOT Highways, Harbors and City and County of Honolulu Roadways managers to explain the concern by the public of Roundup use and discussed some of the BMPs above and asking them to develop such if they have not already done so.

The one video of a person applying glyphosate to a waterway was confirmed that Aquamaster was being used. So educating the general public that there are glyphosate products approved for use in aquatic conditions helps.

I will send you the email that I was referring to back in Nov. 2015.

Best,

Tom

From: Rodriguez, Roberto [<mailto:Rodriguez.Roberto@epa.gov>]

Sent: Wednesday, January 06, 2016 6:11 AM

To: Matsuda, Thomas K <Thomas.K.Matsuda@hawaii.gov>

Cc: Grisier, Mary <Grisier.Mary@epa.gov>; McWhorter, Scott <mcwhorter.scott@epa.gov>; TenBrook, Patti <TenBrook.Patti@epa.gov>

Subject: FW: Language on glyphosate labels

Hi Tom,

I'm forwarding this message regarding applications of Round Up. I'm wondering whether you are familiar w/Zen Honeycutt and whether this is in relation to the DOT issues and applications?

Roberto Rodriguez, Manager
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From: Zen Honeycutt [<mailto:zenhoneycutt@gmail.com>]
Sent: Wednesday, January 06, 2016 7:11 AM
To: TenBrook, Patti <TenBrook.Patti@epa.gov>
Cc: Rodriguez, Roberto <Rodriguez.Roberto@epa.gov>; donna.marciano@cdpr.gov
Subject: Re: Language on glyphosate labels

Dear Patti, Roberto and Donna at the CA EPA,

Please watch this video and respond, thank you so much. This spraying is happening not just in Hawaii, but in CA and nationwide.

In Orange County alone (my county) I believe 75,000 pounds a year are used in public areas. Despite being given several flyers about the dangers of Roundup, my neighbor also sprays it on rocks along side our sidewalk across the street from a school.

<https://www.facebook.com/video.php?v=10208360669075018>

Does the CA EPA deem it is safe to spray Roundup on waterways?
In front of school and on playgrounds? Especially without barricading the area off?

If glyphosate residues are allowed on our food after spraying wouldn't it be safe to say that residues would still be on the grass where children are playing? And that they would come in contact with these residues? What levels might those residues be?

Is there any evidence to show that the residues do not brush off and get on our children?

Recent studies show that glyphosate is a neurotoxin, endocrine disruptor, causes cancer cell growth, placental cell death, causes the destruction of gut bacteria where the immune system lies, and more. You can see those studies here:

Neurotoxin

[https://d3n8a8pro7vhm.cloudfront.net/yesmaam/pages/680/attachments/original/1431795616/GLYPHOSATE_neurotoxicity_induced_by_glyphosate-based_herbicide_in_immature_rat_hippocampus_\(1\).pdf?1431795616](https://d3n8a8pro7vhm.cloudfront.net/yesmaam/pages/680/attachments/original/1431795616/GLYPHOSATE_neurotoxicity_induced_by_glyphosate-based_herbicide_in_immature_rat_hippocampus_(1).pdf?1431795616)

Deformities

http://d3n8a8pro7vhm.cloudfront.net/yesmaam/pages/680/attachments/original/1393210257/Carrasco_research_paper_Teratogenic_Effects.pdf?1393210257

Breast cancer cell growth

<http://www.ncbi.nlm.nih.gov/pubmed/23756170>

Antibiotic resistance

<http://sustainablepulse.com/2015/03/24/new-study-shows-roundup-herbicide-causes-antibiotic-resistance-in-bacteria/>

Gut bacteria

http://d3n8a8pro7vhm.cloudfront.net/yesmaam/pages/680/attachments/original/1393210354/Glyphosat_publication_Shehata_and_Kr%C3%BCger.pdf?1393210354

Embryonic and placental cell death

http://d3n8a8pro7vbm.cloudfront.net/yesmaam/pages/680/attachments/original/1393210490/Gly_cell_damage_Seralini.pdf?1393210490

Harm to Testes

https://d3n8a8pro7vbm.cloudfront.net/yesmaam/pages/1205/attachments/original/1430765426/Roundup_toxic_to_testes_calcium_implicated_2014.pdf?1430765426

I hope you understand we moms see this as an urgent matter to resolve and we need your partnership to protect our children.

Please let us know asap, what are the fines or consequences for the misuse of Roundup/glyphosate?

Thank you

Zen Honeycutt, mom of 3

On Mon, Jan 4, 2016 at 8:08 AM, TenBrook, Patti <TenBrook.Patti@epa.gov> wrote:

Zen,

Since states are responsible for pesticide use enforcement, I am going to refer you to the California Department of Pesticide Regulation (DPR). Their enforcement actions are generally described on this web page: <http://www.cdpr.ca.gov/docs/mill/actions/enfact.htm>. That page shows Polly Frenkel, Chief Council, as the person to contact for further information. Donna Marciano is the manager of the DPR's Enforcement Branch (cc'd here); she would also be a good person to talk with. Donna.Marciano@cdpr.ca.gov. 916-445-4163.

I've also cc'd Roberto Rodriguez, who is the manager of our EPA Region 9 FIFRA* enforcement team.

Regards,

Patti

*Federal Insecticide, Fungicide, and Rodenticide Act.

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From: Zen Honeycutt [mailto:zenhoneycutt@gmail.com]
Sent: Friday, January 01, 2016 2:00 PM
To: TenBrook, Patti <TenBrook.Patti@epa.gov>
Subject: Re: Language on glyphosate labels

Thank you Patti,

Yes I do have another question.

What would the consequences be to a city, school or citizen who refuses to comply with these laws?

Are there specific fines for not following application laws, if so which article/link to regulations-where may I find them?

Thank you very much for your prompt reply.

Zen

On Wed, Dec 30, 2015 at 2:30 PM, TenBrook, Patti <TenBrook.Patti@epa.gov> wrote:

Ms. Honeycutt,

Pam had talked with Dan Kenny, from the EPA Office of Pesticide Programs. He confirmed that pesticide applicators are expected to adhere to the label direction to "keep people and pets away until solution dries." If you would like to talk further with Dan, he can be reached at [703-305-7546](tel:703-305-7546), or kenny.dan@epa.gov.

As I mentioned, if you have any concerns about pesticide misuse, you should contact your County Agricultural Commissioner. Alternatively, you can call the California Department of Pesticide Regulation (DPR) complaint line at [1-877-378-5463](tel:1-877-378-5463). DPR will connect you with the appropriate Agricultural Commissioner's office.

My contact information is below. Please let me know if I can be of further assistance.

Regards,

Patti

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Zen Honeycutt

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Empowered Moms, Healthy Kids

<http://momsacrossamerica.com>

<http://www.facebook.com/MomsAcrossAmerica>

<http://zeninspiredparenting.blogspot.com>

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"I always wondered why somebody didn't do something about that, then I realized I am somebody." - source unknown

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<http://momsacrossamerica.com>

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<http://zeninspiredparenting.blogspot.com>

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